

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) No. CR -GHK  
12 )  
13 Plaintiff, )  
14 )  
15 vs. ) ORDER RE:  
16 ) CRIMINAL TRIAL PREPARATION  
17 )  
18 Defendant[s]. )  
19 )  
20 \_\_\_\_\_ )

21 The above-mentioned cause of action is set for trial before Judge George H. King  
22 on Tuesday, , 200\_, at 9:30 a.m.

23 1. Arrive at courtroom not later than 8:30 a.m. on the first day of trial.  
24 2. Counsel for the Government shall present the Courtroom Deputy Clerk (CRD)  
25 with the following documents:

- 26 (a) THREE copies of the Government's witness list.  
27 (b) THREE copies of the Government's exhibit list in the form specified in  
28 Local Rule 9.9 (Civil).  
(c) ALL of the Government's exhibits, with official exhibit tags attached,  
bearing the same number shown on the exhibit list, must be delivered to the CRD not  
later than 8:30 a.m. on the first day of trial. (Defense counsel need not deliver their

1 exhibits to the Clerk on the first day of trial; however, counsel are responsible for affixing  
2 exhibit tags to exhibits they intend to use in their case.) Exhibits shall be numbered 1, 2,  
3 3, 4, etc., NOT 1.1, 1.50, etc. If a blowup is an enlargement of an existing exhibit, it shall  
4 be designated with the number of the original exhibit followed by an appropriate  
5 alphabetical design. Government counsel should be aware that the court will order  
6 exhibits such as firearms, narcotics, etc., remain in the custody of the agents during the  
7 pendency of the trial. It shall be the agents' responsibility to produce said items for court,  
8 secure them at night and guard them at all times while in the courtroom. Exhibit tags  
9 may be obtained from the receptionist in the main Clerk's Office, Room G-8.

10 (d) If counsel need additional equipment, such as a shadow box, overhead  
11 projector, etc., call the CRD as soon as possible, but no later than 4:30 p.m. two court  
12 days BEFORE trial, so that necessary arrangements may be made.

13 3. The court finds it helpful to follow the testimony closely. Accordingly, counsel  
14 must have the following available:

15 (a) A bench book containing a copy of all exhibits which can, as a practical  
16 matter, be reproduced. Each exhibit shall be tabbed with the exhibit number for easy  
17 referral.

18 4. Usual "trial days" are Tuesdays through Fridays, 9:30 a.m. to 5:00 p.m. Lunch  
19 recess is normally 12:00 noon to 1:30 p.m.

20 5. Before trial commences, the court will give counsel an opportunity to discuss,  
21 in advance, housekeeping matters and anticipated problems of procedure or law.

22 6. TRANSCRIPTS: Counsel for the government shall obtain authorization from  
23 their agencies. A copy of said authorization shall be given to the court reporter when  
24 requesting transcripts.

25 7. JURY INSTRUCTIONS

26 Jury instructions are to be submitted not later than the Wednesday of the week  
27 prior to trial.

1           (a) Form of Jury Instructions

2           The parties must submit joint jury instructions and a joint proposed verdict form  
3 (if a special verdict). In order to produce these joint instructions, counsel shall meet and  
4 confer sufficiently in advance of the required submission date. The instructions shall be  
5 submitted in the order in which the parties wish to have the instructions read. This order  
6 should reflect a single organized sequence agreed to by all of the parties.

7           The joint jury instructions shall be submitted in three sets as follows: (1) those  
8 instructions which are agreed to by all parties; (2) those instructions which are  
9 propounded by the Government to which the defendant[s] object; and (3) those  
10 instructions which are propounded by the defendant[s] to which the Government objects.

11           Instructions upon which agreement cannot be reached should reflect the basic  
12 disagreements among the parties.

13           Attribution and case citation for each instruction should be placed on pages  
14 following a proposed instruction. For disputed instructions, a party shall note the  
15 objections to a proposed instruction and the reasons therefor.

16           INSTRUCTIONS SHALL BE BRIEF, CLEAR, CONCISE, WRITTEN IN  
17 PLAIN ENGLISH, FREE OF ARGUMENT, AND SHALL BE ORGANIZED IN  
18 LOGICAL FASHION AS TO AID JURY COMPREHENSION. Standard or form  
19 instructions, if used, must be revised to address the particular facts and issues of this  
20 case. The following list contains some suggested sources for jury instructions:

21           (1) Ninth Circuit Manual of Model Jury Instructions-Criminal  
22           (West Group (Online Edition));

23           (2) Federal Jury Practice and Instructions  
24           (O'Malley, Grenig and Lee (5<sup>th</sup> Edition))

25           8. INSTRUCTIONS TO COUNSEL GOVERNING TRIALS IN THIS COURT

26           (a) During trial counsel shall not refer to their clients by their first names.

27           (b) Opening statements, examination of witnesses, and closing arguments shall  
28 be made from the lectern only.

          (c) Avoid discussing the law or arguing the case in opening statements.

1 (d) Do not use objections for the purpose of making a speech, recapitulating  
2 testimony, or attempting to guide the witness. When objecting, state only that you are  
3 objecting and the specific legal ground of the objection, e.g., hearsay, irrelevant, etc. If  
4 you wish to argue an objection further, ask permission to do so at side bar. The court  
5 may or may not grant such requests.

6 (e) Speak up when making an objection. The acoustics in most courtrooms  
7 make it difficult for all to hear an objection when it is being made. Counsel must speak  
8 audibly and clearly when questioning witnesses or arguing to the court or jury. Counsel  
9 should instruct their witnesses to speak audibly and clearly.

10 (f) Do not approach the clerk or the witness box without specific permission.  
11 Please return to the lectern when the purpose of the approach is finished.

12 (g) Please rise when addressing the court.

13 (h) Address all remarks to the court. Do not address the clerk, the reporter, or  
14 opposing counsel. If counsel desire to confer off the record, ask permission to do so. All  
15 requests for the re-reading of questions or answers, or to have an exhibit placed in front  
16 of a witness, shall be addressed to the court.

17 (i) Do not make an offer of stipulation unless you have conferred with opposing  
18 counsel and have reason to believe the stipulation will be accepted. Any stipulation of  
19 fact will require the defendant's personal concurrence. A proposed stipulation should be  
20 explained to him or her in advance.

21 (j) While court is in session, do not leave counsel table to confer with  
22 investigators, secretaries, or witnesses in the back of the courtroom unless permission is  
23 granted in advance.

24 (k) Counsel shall not, by facial expression, nodding, or other conduct, exhibit  
25 any opinions, adverse or favorable, concerning any testimony which is being given by a  
26 witness. Counsel shall admonish their own clients and witnesses similarly to avoid such  
27 conduct.

28 (l) When a party has more than one lawyer, only one may conduct the direct or

1 cross-examination of a given witness.

2 (m) If a witness was on the stand at a recess or adjournment, have the witness  
3 back on the stand, ready to proceed when court resumes.

4 (n) Do not run out of witnesses. If you are out of witnesses and there is more  
5 than a brief delay, the court may deem that you have rested.

6 (o) The court attempts to cooperate with doctors and other professional  
7 witnesses and will, except in extraordinary circumstances, accommodate them by  
8 permitting them to be called out of sequence. Anticipate any such possibility and discuss  
9 it with opposing counsel. If there is objection, confer with the court in advance.

10 (p) Counsel are advised to be on time as the court starts promptly. Morning and  
11 afternoon breaks are approximately fifteen minutes in length.

12 (q) Do not attempt to use or display any enlargements of exhibits or charts  
13 unless all counsel agree to such use, or the court has ruled on any objections in advance.

14 (r) Never enter the well of the court. Counsel shall ensure that his/her client(s)  
15 and witness(es) are admonished to never enter the well of the court.

16 (s) Counsel shall not bring any water cups to the lectern, and, while the court is  
17 in session, shall not speak while holding any water cup in his/her hand.

18 DATED: This day of , 200\_.

19  
20  
21 \_\_\_\_\_  
22 GEORGE H. KING  
23 United States District Judge  
24  
25  
26  
27  
28

